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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In The Matter of)	MB Docket No. 04-191
)	
San Francisco Unified School District)	
)	
For Renewal of License for Station KALW(FM),)	Facility ID No. 58830
San Francisco, California)	File No. BRED-19970801YA

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT'S OBJECTIONS AND RESPONSES
TO ENFORCEMENT BUREAU'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS**

San Francisco Unified School District ("SFUSD"), by its attorneys and pursuant to Section 1.325 of the Commission's Rules, 47 C.F.R. §§ 1.325, files these objections and responses to the Enforcement Bureau's ("Bureau") First Request for Production of Documents from SFUSD dated September 14, 2004 ("Document Requests"). SFUSD incorporates by reference the definitions set out by the Bureau in the Document Requests.

GENERAL OBJECTIONS

SFUSD objects to the Bureau's Document Requests as follows (collectively referred to as the "General Objections"):

1. SFUSD objects to the Bureau's Document Requests to the extent that they call for information protected by the attorney-client privilege or work product doctrine. SFUSD states that documents that would otherwise be responsive to the Bureau's Document Requests but that

are protected by the attorney-client privilege and/or the work product doctrine have been described in Attachment A hereto.

2. SFUSD objects to the Bureau's Document Requests to the extent that they seek information that is irrelevant to this action, or information not reasonably calculated to lead to the discovery of admissible evidence.

3. SFUSD objects to the Bureau's Document Requests to the extent that they are intended to elicit information compiled in anticipation of litigation by or on behalf of SFUSD or its attorneys.

4. SFUSD objects to the Bureau's Document Requests to the extent that they are vague, ambiguous, unnecessarily burdensome, or oppressive, or call for information that is solely outside of SFUSD's possession.

5. SFUSD objects to the Bureau's Document Requests to the extent that they seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. §§ 1.311 and 1.325.

6. SFUSD objects to the Bureau's instructions that: "If any Document produced in response to any request herein is not dated, the date on which the Document was prepared shall be provided. If any Document does not identify its author(s) or recipient(s), the name(s) of the author(s) or recipient(s) of the Document shall be provided." Such instructions seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. §§ 1.311 and 1.325.

SPECIFIC OBJECTIONS AND ANSWERS
TO THE BUREAU'S DOCUMENT REQUESTS

Subject to and without waiving the foregoing General Objections, SFUSD responds to the Bureau's Document Requests as follows:

1. All Ownership Reports that were in the Station Public Inspection File on August 1, 1997.

ANSWER: SFUSD objects to this Request to the extent that it seeks Ownership Reports or other documents that relate to time periods not relevant to SFUSD's Application. SFUSD further objects to the Request to the extent that it calls for SFUSD to speculate at this time – over seven years after its renewal Application was filed – concerning the contents of the station's public inspection file on August 1, 1997. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that, upon information and belief, ownership reports for 1991 and 1997 were in the public inspection file on or about August 1, 1997. The 1991 report can be located on the CD produced by SFUSD to the Bureau and is denominated KALW003575-3577. The 1997 ownership report was attached to SFUSD's renewal application and is already in the Bureau's possession. SFUSD further states that it lacks information sufficient to state whether other ownership reports were in the public inspection file at that time.

2. All Ownership Reports that are currently in the Station Public Inspection File.

ANSWER: SFUSD objects to this Request to the extent that it seeks Ownership Reports or other documents that relate to time periods not relevant to SFUSD's Application. Subject to and without waiving the foregoing objections or the General Objections, the responsive documents can be located on the CD produced by SFUSD to the Bureau and are denominated KALW003539-3588. Furthermore, the 1997 ownership report was attached to SFUSD's Application and is already in the Bureau's possession.

3. All Issues/Programs Lists that were in the Station Public Inspection File on August 1, 1997.

ANSWER: SFUSD objects to this Request to the extent that it seeks Issues/Programs Lists or other documents that relate to time periods not relevant to SFUSD's Application. SFUSD further objects to the Request to the extent that it calls for SFUSD to speculate at this time -- over seven years after its renewal Application was filed -- concerning the contents of the station's public inspection file on August 1, 1997. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that, upon information and belief, on or about August 1, 1997 the station's public inspection file contained Issues/Programs Lists for the period from January 1, 1992 until the second quarter of 1997 (the last quarter before the 1997 renewal Application was filed), with the exception of the document entitled "City Visions Quarterly Issues/Programs List 1992-1997" (see, e.g., KALW0001 07), which, upon information and belief, SFUSD believes was generated and placed in the file after August 1, 1997. Those documents can be located on the CD produced by SFUSD to the Bureau and are denominated KALW0001-1008. SFUSD further states that it lacks information sufficient to state whether other documents constituting Issues/Programs Lists were in the public inspection file on August 1, 1997, but states that some additional documents likely were in the public inspection file at that time. SFUSD bases this belief on the fact that GGPR attached one such document as Attachment O to its petition to deny the Application, but that no such document is now present in the KALW public inspection file.

4. All Issues/Programs Lists that are currently in the Station Public Inspection File.

ANSWER: SFUSD objects to this Request to the extent that it seeks Issues/Programs Lists or other documents that relate to time periods not relevant to SFUSD's Application. Subject to and without waiving the foregoing objections or the General Objections, the responsive documents can be located on the CD produced by SFUSD to the Bureau and are denominated KALW00001-3392.

5. All Documents relied upon by Ramirez in determining and certifying to the accuracy of the "yes" answer given by SFUSD to Application Item 2 at page 3, which reads: "Has the applicant placed in its public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3526 and 73.3527?"

ANSWER: SFUSD objects to this Request to the extent that the phrase "relied upon" as used in this Request is vague and ambiguous. SFUSD further objects to the Request to the extent that it calls for SFUSD to speculate at this time – over seven years after its renewal Application was filed – concerning which documents Mr. Ramirez may have viewed or considered in 1997 in connection with the Application. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that, upon information and belief, Mr. Ramirez would have considered the Issues/Programs Lists and Ownership Reports from the station's public inspection file in connection with answering Item 2 at page 3 of SFUSD's Application. Those documents can be located on the CD produced by SFUSD to the Bureau and are denominated KALW0001-1008 (issues/programs lists), except that Mr. Ramirez would not have relied upon any such documents on the CD that relate to later time periods or that were created after August 1, 1997, such as the document entitled "City Visions Quarterly Issues/Programs List 1992-1997" (*see*,

e.g., KALW000107), which, upon information and belief, was generated and placed in the file after August 1, 1997; furthermore, Mr. Ramirez would have considered the 1997 ownership report that was attached to the Application. SFUSD further states that Mr. Ramirez consulted relevant sections of the National Federation of Community Broadcasters Legal Handbook in completing the Application. An excerpt of that document is produced herewith, and has been labeled SFUSD-00001 – SFUSD-0082.

6. All Documents which identify the person(s) responsible for maintaining the Station Public Inspection File from December 1, 1990, to the present.

ANSWER: SFUSD objects to the extent that the phrase “responsible for maintaining the Station Public Inspection File” as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that the SFUSD job descriptions for the “General Manager, KALW” and “Program Manager, KALW Radio Station” are responsive to this Request. Those documents have been produced herewith, and have been labeled SFUSD-00135 – SFUSD-00139.

7. All Documents relating to the preparation, approval, filing and maintenance of the Station Issues/Program Lists from December 1, 1990, to the present.

ANSWER: SFUSD objects to the extent that the phrase “preparation, approval, filing and maintenance of the Station Issues/Program Lists” as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that SFUSD has referenced the following documents in connection with its Issues/Programs Lists: (1) the National Federation of Community Broadcasters Legal Handbook,

(2) the NPR Station Manager's Handbook, and (3) the California Broadcasters Association Public File Checklist in creating issues/programs lists. Excerpts of those documents are produced herewith, and have been labeled SFUSD-00001 – SFUSD-00134. SFUSD further states that certain other documents, such as e-mail messages between station employees are responsive to this Request, and those documents are produced herewith and have been labeled SFUSD-00140 – SFUSD-00150.

8. All Documents which identify the person(s) responsible for the preparation, approval, filing and maintenance of the Station Issues/Program Lists from December 1, 1990, to the present.

ANSWER: SFUSD objects to the extent that the phrase “responsible for the preparation, approval, filing and maintenance of the Station Issues/Program Lists” as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that the SFUSD job descriptions for the “General Manager, KALW” and “Program Manager, KALW Radio Station” are responsive to this Request. Those documents have been produced herewith, and have been labeled SFUSD-00135 – SFUSD-00139.

9. All Documents relating to the preparation, approval, filing and maintenance of Station Ownership Reports from December 1, 1990, to the present.

ANSWER: SFUSD objects to the extent that the phrase “preparation, approval, filing and maintenance of Station Ownership Reports” as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that SFUSD has referenced the following documents in connection with its Station

Ownership Reports: (1) the National Federation of Community Broadcasters Legal Handbook, (2) the NPR Station Manager's Handbook, and (3) the California Broadcasters Association Public File Checklist in completing the Application. Those documents are produced herewith, and have been labeled SFUSD-00001 – SFUSD-00134.

10. All Documents which identify the person(s) responsible for the preparation, approval, filing and maintenance of the Station Ownership Reports from December 1, 1990, to the present.

ANSWER: SFUSD objects to the extent that the phrase “responsible for the preparation, approval, filing and maintenance of the Station Ownership Reports” as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that the SFUSD job descriptions for the “General Manager, KALW” and “Program Manager, KALW Radio Station” are responsive to this Request. Those documents have been produced herewith, and have been labeled SFUSD-00135 – SFUSD-00139.

11. All Documents relating to SFUSD's efforts to file the Station Ownership Reports with the Commission from December 1, 1990, to the present.

ANSWER: SFUSD objects to the extent that the word “efforts” as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states responsive documents can be located on the CD produced by SFUSD to the Bureau and are denominated KALW003541-3549, KALW003566-3568, and KALW003575-3577. Furthermore, the Application and attached 1997 ownership report is responsive to this Request, and is already in the possession of the Bureau.

12. All Documents relating to KALW's budget during the period in which Ramirez was KALW's General Manager.

ANSWER: SFUSD objects to the extent that the phrase "relating to KALW's budget" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that documents responsive to this Request include the station's budget for the years 1996-1998 and annual financial reports for those same years filed with the Corporation for Public Broadcasting. Those documents have been produced herewith, and have been labeled SFUSD-00151 – SFUSD-00232. SFUSD further states that additional documents may exist which in some sense "relate" to the station's budget, but which would be redundant or would not appear to be relevant to any issues in this action. If the Bureau is interested in any additional documents responsive to this Request, SFUSD respectfully requests that the Bureau provide additional guidance as to the types of documents that it seeks and SFUSD will endeavor to produce such documents (subject to any objections that SFUSD may have).

13. All Documents relating to KALW's current budget.

ANSWER: SFUSD objects to the extent that the phrase "relating to KALW's current budget" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD states that documents responsive to this Request include the station's 2004 budget, the 2004 annual financial report filed with the Corporation for Public Broadcasting, and worksheets concerning the station's budget. Those documents have been produced herewith, and have been labeled SFUSD-00233 – SFUSD-00270.

SFUSD further states that additional documents may exist which in some sense "relate" to the station's budget, but which would be redundant or would not appear to be relevant to any issues in this action. If the Bureau is interested in any additional documents responsive to this Request, SFUSD respectfully requests that the Bureau provide additional guidance as to the types of documents that it seeks and SFUSD will endeavor to produce such documents (subject to any objections that SFUSD may have).

14. All Board minutes relating to Documents filed with the FCC by SFUSD between January 20, 1998, and August 3, 2001, which relate to SFUSD's responses to pleadings and inquiries regarding the Application.

ANSWER: SFUSD states that no documents are responsive to this Request.

Respectfully submitted,

**SAN FRANCISCO UNIFIED
SCHOOL DISTRICT**

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September 24, 2004

Certificate of Service

I, Regina Hogan, hereby certify that on this 24th day of September, 2004, a copy of the foregoing **San Francisco Unified School District's Objections and Responses to the Enforcement Bureau's First Request for Documents** was sent by first-class mail, postage prepaid, to:

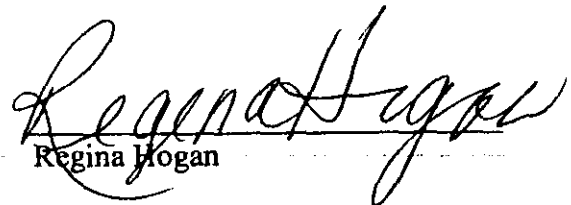
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Regina Hogan

* By Hand Delivery

** Written Objections and Responses Only

Attachment A

Privilege Log

1. E-mail message from Ernest T. Sanchez to William Helgeson, dated March 7, 2001, containing attorney-client privileged communications and/or communications protected by the work product doctrine concerning KALW's public inspection file.
2. "Report on License Renewal" from Ernest T. Sanchez and Susan M. Jenkins to Dr. Arlene Ackerman, dated May 24, 2001, containing attorney-client privileged communications and/or communications protected by the work product doctrine concerning KALW's renewal application.

<u>Federal Communications Commission</u>	
Docket No. <u>04-191</u>	Exhibit No. <u>43</u>
Presented by <u>ETB</u>	
Disposition	Identified <u>5/24/01</u>
	Received <u>5/24/01</u>
	Rejected _____
Reporter <u>E. St. John</u>	
Date <u>5/24/01</u>	